IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 707 OF 2003

Rehman Dadasaheb Shaikh & ors. ... Appellants.

Versus.

Mhaibub Babalal Shaikh & ors. ... Respondents.

Shri A.J.Chougule for the Appellants.

Shri S.S.Patwardhan for the Respondents Nos.1 to 3.

CORAM : ABHAY S. OKA, J.

DATED : 3rd February, 2005.

P.C.:

1. Heard learned Counsel appearing for the parties. The Appellants are the unsuccessful Defendants who have suffered a decree for specific performance of agreement to convey immoveable property.

2. The learned Counsel appearing for the Appellants submitted that the signature of the original Defendant on the said agreement was fraudulently obtained and on the face of such agreement, decree for specific performance should not have been passed.

3. I have considered the submissions and also perused the findings recorded by the Courts below. The Courts below have considered the averments made by the original Defendant in the reply to the notice and the relevant portion of the written statement and after considering the same has negatived the plea raised by the original

Defendant. The Courts below have come to the conclusion that the Defendant has executed the document in question. There is no perversity in the findings recorded by the Courts below. No substantial questions of law arises. The Second Appeal is dismissed with no order as to costs.

Judge.